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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,016

Applicant(s)

RANDALL ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on June 10, 2003 in which applicant amends claims 1, 22, and 23, adds new claims 28-30, and responds to the claim rejections. Claims 1-30 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 22, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the examiner was unable to locate in the specification where the newly added claim limitation, “randomly causes the display device to re-designate *independent of a player’s wager amount one of the* award modifiers after the player obtains the activator.”

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14, 16-25, and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson, Jr. et al. (U.S. 6,004,207).

Wilson Jr. et al. discloses a spinning reel slot machine in which selected payouts are multiplied by a variable value. Wilson Jr. et al. further discloses:

Regarding Claims 1, 22, and 23:

- at least one award (Abstract, Figures 4 and 7, and Column 1, lines 37-40);
- a plurality of award modifiers (Column 1, lines , 37-45, Column 3, lines 50-65, and Figures 5A-5C (multiplier values));
- a display device (44) which displays said award modifiers and designates one of said award modifiers (Figure 1);
- a plurality of reels (22, 24, 26) (Figure 1);
- an activator on said reels (winning combinations on reels-indexes 8 and 9 of figure 4) (Column 2, lines 5-17 and Figure 4); and
- a processor which controls said display device and said reels, which modifies the award using the designated award modifier when the player obtains the activator on said reels, and which randomly causes the display device to re-designate an award modifier after the player obtains the activator (Column 1, lines 37-40 and Figures 5A-5C).

Regarding Claims 2, 22, and 24:

- the processor randomly re-designates an award modifier based on a weighting system, such that at least one award modifier is more likely to be re-designated than at least

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one other award modifier (Figures 5A-C). The odds as shown in Figure 5A are as follows:

Multiplier	Odds
6	1/10
9	1/20
15	$\frac{1}{4}$
18	1/20
21	7/20
24	1/5

Regarding Claims 3 and 28:

- which includes a weighting system used by the processor to randomly re-designate a low value modifier more often than a high value modifier. As shown in the table above, multiplier value 15 is designated more often than multiplier value 24. (Figure 5A).

Regarding Claims 4 and 29:

- which includes a weighting system used by the processor to randomly re-designate a low value modifier but not a lowest value modifier more often than at least one other award modifier. As shown in the table above, multiplier value 15 is designated more often than multiplier value 24 (Figure 5A).

Regarding Claim 5:

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- which includes two groups of award modifiers, wherein said processor randomly causes the display device to re-designate an award modifier from each group. Wilson Jr. et al. provides for at least two groups (1 and 2 coin wager award modifiers).

Regarding Claims 6 and 30:

- wherein the processor randomly re-designates an award modifier from each group based on a weighting system, such that at least one award modifier from each group is more likely to be re-designated than at least one award modifier from the respective group. Wilson Jr. et al. provides for at least two groups (1 and 2 coin wager award modifiers). As shown in the table above, multiplier value 15 is designated more often than multiplier value 24 (Figure 5A).

Regarding Claim 7:

- wherein award modifiers of the first group are mathematically related to award modifiers of the second group. In the 1 and 2 coin wager group award modifier example, the multipliers are in a 1:2 ratio (Figure 4).

Regarding Claim 8:

- wherein the designated award modifier of the first group is mathematically related to the designated award modifier of the second group. In the 1 and 2 coin wager group award modifier example, the multipliers are in a 1:2 ratio (Figure 4).

Regarding Claim 9:

- which includes a separate activator associated with each group of award modifiers, wherein a designated modifier from one of the groups changes the award when the

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player obtains the activator associated with the group (winning combinations on reels) (Column 2, lines 5-17, and Claim 8).

Regarding Claim 10:

- which includes an incrementor displayed on at least one reel that changes the designated award modifier when the player obtains the incrementor (Column 2, lines 5-17, and Claim 8).

Regarding Claim 11:

- wherein the incrementor is a combination of symbols simultaneously displayed on the reels (Column 2, lines 5-17, and Claim 8).

Regarding Claim 12:

- wherein the incrementor is a single symbol on a reel (Column 2, lines 5-17, and Claim 8).

Regarding Claim 13:

- wherein the activator is a single symbol on a reel (Figure 4). Index 15 winning combination is PWRPNT, ANY, ANY.

Regarding Claims 14 and 25:

- wherein the display device (44) simultaneously displays each of the award modifiers (Figure 1).

Regarding Claims 16 and 22:

- wherein the modifiers range from low value modifiers to high value modifiers (Figures 5A-C).

Regarding Claim 17:

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- wherein the award is obtained from winning a base game of the gaming device
(Column 1, lines 53-55).

Regarding Claim 18:

- wherein the award is a multiple of a player's wager (Abstract, Figures 4-5C and 7, and
Column 1, lines 37-40).

Regarding Claim 19:

- wherein the award modifiers are multipliers (Figures 5A-C, Column 1, lines 37-40,
and Column 2, lines 5-17).

Regarding Claim 20:

- which includes a plurality of incrementors displayed by at least one reel (Column 2,
lines 5-17).

Regarding Claim 21:

- which includes a plurality of activators displayed by at least one reel (Column 2, lines
5-17, and Claim 8).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Jr. et al. (U.S. 6,004,207).

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What Wilson, Jr. et al. discloses to one of ordinary skill in the art is discussed above with respect to claims 1-14, 16-25, and 28-30 and incorporated herein.

Regarding Claims 15 and 27, to one of ordinary skill in the art, an illumination device is a light used to get someone's attention. Many video games use illumination devices to stimulate a person's eyes and make a game more entertaining. Wilson, Jr. et al. appears to lack clearly disclosing a display that includes a means to illuminate a modifier.

However, those of ordinary skill in the art know that providing a means to inform a game player that a multiplier on a bonus game of a slot machine has increased is well known in the gaming arts. For example, one of ordinary skill in the art could use an illumination device to get someone's attention by:

- utilizing a rotating red light on top of a slot machine to indicate a winner.
- illuminating the name of a game on display prior to playing.
- highlighting selections made by a game player on a touch screen.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the applicant's invention, to provide an illumination device to illuminate a multiplier on a bonus game of a slot machine to get someone's attention and to entice a game player to insert more coins in a game machine in anticipation of obtaining a large award.

Regarding Claim 25, to one of ordinary skill in the art, a sound is an auditory signal that can be used to entertain or get someone's attention. Many video games include some type of sound means, whether it is background music or special sound effects to make a game seem more realistic. Wilson, Jr. et al. appears to lack clearly disclosing using a sound to indicate a designated modifier.

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However, those of ordinary skill in the art know that providing a means to inform a game player of a multiplier on a bonus game of a slot machine is well known in the gaming arts. For example, one of ordinary skill in the gaming art could use sounds to entertain or get someone's attention by:

- using the sound of a bell ringing to indicate a correct answer provided for a trivia question, and the sound of a buzzer to indicate an incorrect answer provided for a trivia question.
- sounding a siren to indicate a winner at a slot machine
- playing background music during a video game
- using a buzzer to indicate a game is ready to begin
- simulating the sound of a bomb exploding in a war related video game

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the applicant's invention, to use a sound to indicate a designated modifier on a bonus game of a slot machine to get someone's attention and to entice a game player to insert more coins in the game machine in anticipation of obtaining a large award.

Response to Arguments

8. Applicant's arguments filed June 10, 2003 have been fully considered but they are not persuasive.

9. Applicants' do not agree with the rejection to claims 1-14 and 16-25 under 35 U.S.C. 102(e) as being anticipated by Wilson, Jr. et al. (U.S. 6,004,207).

10. Regarding claim 1, Applicants allege, "Wilson Jr. et al. does not randomly re-designate an award modifier independent of any player's wager amount." First, as discussed above in item

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No. 3, the claim limitation “independent of a player’s wager amount” is new matter. Second, when a player receives any one of the “activators” (indexes 8 or 9 of Fig. 4) a multiplier value is randomly selected (or re-designated) from one of the pay tables shown in Figures 5A-5C, wherein the pay table is selected based upon the multiplier value (X).

Therefore, the rejection as stated in Office Action, Paper No. 4 is retained and incorporated herein.

11. Regarding claim 22, Applicants allege, “the multipliers in Wilson are related to the coin mode of player’s game.” However, as discussed above regarding claim 1 in item No. 3, the claim limitation “independent of a player’s wager amount” is new matter.

Therefore, the rejection as stated in Office Action, Paper No. 4 is retained and incorporated herein.

12. Regarding claim 22, Applicants allege Wilson’s “XFactor” is available only in the MaxBet mode. The examiner respectfully disagrees. Although Wilson’s multiplier factor X may only be increased by obtaining Power Points in the BetMax mode, the multiplier factor X is also used to select what multiplier table (one, two, or three of Figs. 5A-5C) will be used. Furthermore, Wilson Jr. et al. details how “XFactors” are part of winning combinations regardless of whether a player is in one, two, or three coin mode as described in Fig. 4 indexes 8 and 9 and column 4, lines 39-62.

Therefore, the rejection as stated in Office Action, Paper No. 4 is retained and incorporated herein.

13. Regarding claim 22, Applicants also allege, “the invention does not have a specific mode in which a player may increase its multiplier value and thereby, increase its payout.” First,

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Wilson Jr. et al. does not require a particular mode to increase a payout. This can be accomplished in one, two, or three coin modes as shown in Figs. 5A-5C. Second, although Wilson Jr. et al. requires that a player be in BetMax mode to increase the multiplier value X, this does not preclude Wilson Jr. et al. from anticipating the claimed invention.

Therefore, the rejection as stated in Office Action, Paper No. 4 is retained and incorporated herein.

14. Regarding claim 23, Applicants allege, "Wilson Jr. et al. does not randomly re-designate an award modifier independent of any player's wager amount." First, as discussed above in item No. 3, the claim limitation "independent of a player's wager amount" is new matter. Second, when a player receives any one of the "activators" (indexes 8 or 9 of Fig. 4) a multiplier value is randomly selected (or re-designated) from one of the pay tables shown in Figures 5A-5C, wherein the pay table is selected based upon the multiplier value (X).

Therefore, the rejection as stated in Office Action, Paper No. 4 is retained and incorporated herein.

15. For the reasons discussed hereinabove the examiner maintains the rejections as stated in Office Action, Paper No. 4.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej

August 13, 2003



Teresa Walberg
Supervisory Patent Examiner
Group 3700